



COMMONWEALTH OF VIRGINIA JOINT LEADERSHIP COUNCIL OF VETERANS SERVICE ORGANIZATIONS

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RICHMOND, VA 23219

*Air Force Association
American Legion
AMVETS
Association of the United
States Army
Disabled American
Veterans
Fifth Baptist Veterans
Ministry
Fleet Reserve Association
Iraq and Afghanistan
Veterans of America
Korean War Veterans
Association
Legion of Valor of the
U.S., Inc.
Marine Corps League
Military Order of the
Purple Heart
Military Officers Association
of America
Military Order of the
World Wars
Navy Mutual Aid Association
Navy Seabee Veterans of
America
Non-Commissioned
Officers Association
Paralyzed Veterans of
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Reserve Officers Association
Roanoke Valley Veterans
Council
Veterans of Foreign Wars
Vietnam Veterans of America
Virginia Army/Air National
Guard Enlisted
Association
Virginia National Guard
Association
Women Marines Association*

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AMVETS

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Position Paper 2020-02 Counting Military Absentee Ballots After Election Day

OBJECTIVE: To ensure the continued commitment of the Commonwealth of Virginia to fully support of our military servicemen and women who are serving overseas, by enabling returned overseas military ballots to be counted when received after the polls close and before 5:00 p.m. on the second day before the State Board of Elections meets to certify the election results.

BACKGROUND:

- Currently, absentee ballots received by the local registrar after 7:00 p.m. on Election Day are not counted.
- In 2017, over 50 overseas absentee ballots arrived for the 28th House of Delegates race the morning after the election – but they were not counted. Even though the margin was razor thin and a recount was called, those ballots were never counted.
- While federal law allows the military to register to vote and request a ballot by electronic means, in Virginia those voted ballots cannot be returned electronically, but must be returned via “snail mail.”
- Mail delays are common, especially for those service members in remote or hostile areas. The Military and Overseas Voter Empowerment (MOVE) Act requires that all [absentee] ballots be mailed to service members not less than 45 days before an election, however, at least 36 days may be needed to transmit the ballots – and that is without shipping delays.

DISCUSSION:

- In 2018, Senator Surovell patroned SB771 to solve this problem, but it did not make it out of committee.
- After the November 2018 election, the State Board of Elections (SBE), reported over 6,770 absentee ballots were returned after polls closed and were not counted.
- The JLC has been working to find a solution to the disenfranchisement of Virginia military men and women since 2013. This is a sensible solution that addresses the privacy concerns brought up by Verified Voters.
- This solution is low-tech, cost effective and easily implemented by the localities to ensure the enfranchisement of our deployed military.

RECOMMENDATION: That the General Assembly enact and the Governor sign legislation that directs Virginia registrars receive and count military overseas absentee ballots postmarked on or before election day and which arrive by 5:00 p.m. on the second business day before the State Board of Elections meets to certify the results of the election.